IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10506 OF 2004

Yeshwant Daryappa Mane-Patil .. Petitioner

Versus

The Collector of Sangli & Anr. .. Respondents

Mr.Umesh Mankapure for petitioner

Mr.S.R.Page for respondent No.2.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th December 2007

P.C.

. The order under challenge is passed upon an application to implead respondent No.2 before me as party to the pending Land Acquisition Reference. That was a reference which was made

at the instance of present petitioner under section 18 of the L.A.Act.

2. The case of the present petitioner was that the respondent No.2 was never concerned with the property nor with the acquisition proceedings. In para 3 of the impugned order, the petitioners stand has been noted. On the other hand, respondent No.2 claimed to be a tenant in respect of the property in question. Upon a query being made to Mr.Page as to how instant application (Exh.23) could be made in a reference under section 18 of the L.A.Act 1894 is maintainable, beyond stating that the provisions of C.P.C. apply, he could not point out anything more. In a decision in the case of Sharda Devi Vs. State of Bihar reported in A.I.R. 2003 S.C. 942 followed in A.I.R. 2007 S.C. 215 (Shyamali Das Vs. Iila Chowdhury & Ors) it has been held that

> "19. The Act is a complete code by itself. It provides for remedies not only to those whose lands have been acquired but also those who claim the awarded amount or any apportionment thereof. A Land Acquisition Judge derives its jurisdiction from the order of reference. It is bound thereby. Its jurisdiction is to determine adequacy or otherwise of the amount of compensation paid under the award made by the Collector. It is not within its domain to entertain any application of pro interesse suo or in the nature thereof."

3. In view of the law laid down by the Supreme Court, the subject application itself was not maintainable. Consequently, the order under challenge cannot be sustained. The same is

quashed and set aside. However, this does not prevent respondent No.2 from asserting any rights in respect of the said property by taking recourse to such remedies as are available in law.

4. Petition dismissed. Reference to proceed in accordance with law. The concerned court to proceed with the pending reference and dispose off the same as expeditiously as possible and within six months from today.

(S.C.Dharmadhikari, J)